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CLERK, U.S.D.C. SOUTHERN DIVISION

MAY - 8 2012

CENTRAL DISTRICT OF CALIFORNIA  
BY *[Signature]* DEPUTY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## UNITED STATES OF AMERICA.

**Plaintiff,**

vs.

Martinez-Galicia, Jose

15 \_\_\_\_\_, Defendant.

Case No.: SA 12-201 M  
ORDER OF DETENTION

## { ORDER OF DETENTION

I.

B.  On motion by the Government/( ) on Court's own motion, in a case allegedly involving:

( ) On the further allegation by the Government of:

1.  a serious risk that the defendant will flee.
2. ( ) a serious risk that the defendant will:
  - a. ( ) obstruct or attempt to obstruct justice.
  - b. ( ) threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

C. The Government ( ) is/ is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any person or the community.

II.

14 A.  The Court finds that no condition or combination of conditions will  
15 reasonably assure:

16     1.  the appearance of the defendant as required.  
17                    and/or

18     2.  the safety of any person or the community.

19 B.  The Court finds that the defendant has not rebutted by sufficient evidence to  
20 the contrary the presumption provided by statute.

III.

The Court has considered:

24 A. (X) the nature and circumstances of the offense(s) charged, including whether  
25 the offense is a crime of violence, a Federal crime of terrorism, or involves  
26 a minor victim or a controlled substance, firearm, explosive, or destructive  
27 device;

28 B. (X) the weight of evidence against the defendant;

1 C. (X) the history and characteristics of the defendant; and  
2 D. (X) the nature and seriousness of the danger to any person or the community.

4 **IV.**

5 The Court also has considered all the evidence adduced at the hearing and the  
6 arguments and/or statements of counsel, and the Pretrial Services  
7 Report/recommendation.

8  
9 **V.**

10 The Court bases the foregoing finding(s) on the following:

11 A. (X) As to flight risk:

12 Background, canty ties unknown;  
13 bail resources unknown;  
14 illegal immigration status;  
15 assoc w/multiple personal identifiers;  
16 parole viol. history

17  
18  
19  
20 B. (X) As to danger:

21 Extensive criminal history record, incl  
22 prior convs for narcotics offenses  
23 and crimes of violence

1 VI.  
2

3 A. ( ) The Court finds that a serious risk exists the defendant will:  
4       1. ( ) obstruct or attempt to obstruct justice.  
5       2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.  
6 B. The Court bases the foregoing finding(s) on the following:  
7  
8  
9

10 VII.  
11

12 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.  
13 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the  
14 Attorney General for confinement in a corrections facility separate, to the extent  
15 practicable, from persons awaiting or serving sentences or being held in custody  
16 pending appeal.  
17 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity  
18 for private consultation with counsel.  
19 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on  
20 request of any attorney for the Government, the person in charge of the corrections  
21 facility in which defendant is confined deliver the defendant to a United States  
22 marshal for the purpose of an appearance in connection with a court proceeding.

23  
24 DATED: 5/8/12

25 ROBERT N. BLOCK  
26 UNITED STATES MAGISTRATE JUDGE  
27  
28